

REMARKS

Claims 1-12 remain pending in the application with the present amendments. No changes are made to the claims at this time. In the Office Action, the Examiner states that drawings 1-9C should be designated -PRIOR ART-. Applicants request that this objection be held in abeyance until such time that claims are allowed in the application, as it is not clear that the content of the drawings is admitted prior art, as opposed to a description of the environment in which the invention is expected to operate.

The Examiner rejects all claims as being anticipated under 35 U.S.C. §102(a) over "Admitted Art" provided in paragraphs [0002] through [0004] alone, or as combined with other paragraphs of the Specification. However, each of paragraphs [0002] through [0004] clearly point to subject matter of the present invention, rather than admitted prior art. The first lines of these paragraphs clearly state that "the present invention relates" to the subject matter described therein.

The Office Action apparently confuses paragraphs of the Specification which describe the field of the invention with those which describe art which is background to the present invention. 37 C.F.R. §1.77 identifies the headings which should be used to identify the sections of the patent application. As indicated therein, no separate heading should be provided for the field of the invention. Rather, a statement identifying the field of the invention should be provided under the heading "Background of the Invention." (MPEP 608.01(c)). According to the MPEP, that statement "should be directed to the subject matter of the *claimed invention*." (Emphasis added) *Id.*

Applicants submit that the statement in paragraphs [0002] through [0004] regarding the field of the invention, and directed to the subject matter of the *claimed invention* in compliance with 37 CFR §1.77 and MPEP 608.01(c), cannot be used

as prior art to reject the claims of the application. The fact that the statement provides a fairly detailed statement regarding the claimed subject matter and is provided in three paragraphs does not take away from the inescapable conclusion that the statement clearly and properly states claimed subject matter of the "present invention."

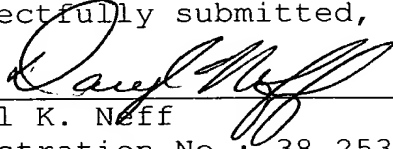
Applicants have briefly reviewed the references cited by the Examiner as pertinent to Applicants' disclosure and have not found teachings therein which anticipate or render obvious the presently claimed invention.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone the undersigned attorney at (908) 654-5000 in order to overcome any additional objections.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 6, 2004

Respectfully submitted,

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